



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/842,001 | 04/26/2001 | Toshimichi Kishimoto | 520.40043X00 | 7058 |

20457 7590 11/14/2005

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,001

Applicant(s)

KISHIMOTO ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Per Applicant's Request for Continued Examination:

Claims 7, 9, 14 and 16 have been amended.

Claims 1-6 have been cancelled.

Claims 7-20 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2141

4. **Claims 7, 8, 14 and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by *Jesionowski* (US 6,044,442).

a. **Per claim 7**, *Jesionowski* teaches a storage operating system comprising:

- an external storage device having storage data and storage operating data and a service processor for operating said storage operating data (Figure 1, col.3 lines 13-53);
- a host computer coupled with said external storage device via a first connection (Figure 1, col.3 lines 54-63); and
- a storage management server coupled with said host computer via a second connection and said service processor via a third connection (Figure 1, col.3 line 64-col.4 line 12),
- wherein said storage management server executes a storage operating data server program (Figure 1, col.4 lines 13-20 and 53-62), and
- wherein said host computer executes an application program associated with said storage operating data server program so as to read/write said storage operating data from/to said external storage device through said storage management server and said third connection (col.4 lines 13-20, col.5 lines 3-20), and wherein said host computer reads/writes said storage data from/to said external storage device through said first connection (col.3 lines 35-42 and 48-57).

b. **Claim 14** contains limitations that are substantially equivalent to claim 7 and is therefore rejected under the same basis.

c. **Per claim 8**, *Jesionowski* teaches the storage operating control system according to claim 7, wherein said host computer operates in accordance with said storage operating data which the storage management server reads from said external storage device (col.4 lines 53-62, col.5 lines 8-20).

d. **Claim 15** is substantially equivalent to claim 8 and is therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 9, 10, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jesionowski* (US 6,044,442) in view of *Kumar et al* (US 6,343,287).

a. **Per claim 9**, *Jesionowski* teaches the storage operating control system as defined in claim 7, yet fails to explicitly teach the storage operating control system comprising a switch for selectively shutting off said third connection between said service processor and said storage management server. However *Kumar et al* teach an optional close connection command for closing the connection between the data store and the server (col.20 lines 41-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Jesionowski* and *Kumar et al* for the purpose of implementing selective shut-off of a connection between the storage server and the processor the remote storage device, because communication between the server and the remote storage device is not always necessary since the host, itself is in communication with the server and the remote storage device. Selectively closing a connection between a server and storage is obvious for disabling/enabling load on the server and for allocating management/administrative abilities to only one server at a time via opening/closing connectivity with the server.

Art Unit: 2141

b. **Claim 16** is substantially similar to claim 9 and is therefore rejected under the same basis.

c. **Per claim 10**, *Jesionowski* and *Kumar et al* teach the storage operating control system as defined in the claim 9, *Kumar et al* further teach wherein the switch is provided in an interface of said service processor (col.20 lines 25-40, col.20 line 56-col.21 line 5).

d. **Claim 17** is substantially similar to claim 10 and is therefore rejected under the same basis.

7. **Claims 11-13 and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Jesionowski* (US 6,044,442) in view of *Barry et al* (US 2005/0216421).

a. **Per claim 11**, *Jesionowski* teaches the storage operating control system as defined in claim 7, yet fails to explicitly teach the storage operating control system as defined in the claim 7, wherein said storage management server comprising a WWW (World Wide Web) terminal connection and a WWW server program to allow access of the storage operating data using the WWW terminal connection. However, *Barry et al* disclose a storage management server comprising a WWW server program wherein WWW access (Figures 38, 41, 43 and 51, paragraphs 0606, 0666 and 0761).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Jesionowski* and *Barry et al* for the purpose of provisioning a WWW server program on the storage management server in order to provide access to the WWW via WWW interface; because it allows for secure communications and

Art Unit: 2141

access of storage operating data over the Web/Internet for conducting management, operating and configuration duties over a web page.

b. **Claim 18** is substantially similar to claim 11 and is therefore rejected under the same basis.

c. **Per claims 12 and 13**, *Jesionowski* teaches the storage operating control system as defined in claim 7, yet fails to explicitly teach the limitation using JAVA RMI. However, *Barry et al* disclose use of JAVA RMI for the client server connection along with TCP/IP communications protocol (paragraphs 0382-0386).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Jesionowski* and *Barry et al* for the purpose of extending protocol compatibility with JAVA objects; because it would permit remote communication with other JAVA objects in the network from the client/host to the server.

d. **Claims 19 and 20** are substantially similar to claim 12 and 13 and are therefore rejected under the same basis.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Goldberg et al* (US 6,434,543), *Mizuno et al* (US 5,838,891), *Sgammato* (US 6,507,581), *van Cruyningen* (US 6,338,110), *Tanaka et al* (US 6,502,167), *Kobayashi et al* (US 6,092,216), *Jantz* (US 5,867,736), *Ofek* (US 5,901,327), *Ericson et al* (US 6,801,960).

Art Unit: 2141


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER